

MEMORANDUM OF LAW

DATE: June 15, 1989

TO: Charles G. Abdelnour, City Clerk

FROM: City Attorney

SUBJECT: City Employee Notarial Duties

This is in response to your memorandum of May 22, 1989 in which you inquire about City employees with notarial duties. You pose the questions because of the apparent conflict you perceive between City Council Resolution No. R-93514 (adopted April 26, 1949) and California Attorney General's Opinion No. 49-224 (issued December 7, 1949). You ask two questions:

1. Which document supersedes the other?
2. Are the answers to the questions asked in Attorney General Opinion No. 49-224 legally binding for the employees of the City of San Diego?

Legal Intern Anthony J. Solare of our office has researched and analyzed your questions. A copy of his analysis is attached.

To answer your first question, the two (2) documents do not conflict. Therefore, there is no need to decide whether one document supersedes the other.

To answer your second question, the Attorney General's opinions are not necessarily binding on this City. The Attorney General in his or her advisory capacity interprets the law for state agencies to provide guidance to them such as the City Attorney does for City departments. Sometimes Attorney General

opinions are helpful in understanding the law, but the Attorney General's opinions are not "binding" on the City.

JOHN W. WITT, City Attorney

By

Cristie C. McGuire

Deputy City Attorney

CCM:jrl:014(x043.2)

Attachment

ML-89-61